

REMARKS

Examiner has indicated claims 1 through 16 are allowable.

Examiner has objected to claim 17 because of an informality. Applicant has amended claim 17 as suggested by Examiner to overcome the objection.

Examiner has rejected claims 17 through 20 under 35 U.S.C. § 103(a) as being unpatentable over USPN 6,785,540 (Wichelman) in view of USPN 6,131,013 (Bergstrom). Applicant respectfully traverses the rejection and requests reconsideration.

Statement of Common Ownership

USPN 6,785,540 (Wichelman) and the present patent application (SERIAL NO: 10/047,733, FILED: October 26, 2001) were, at the time the invention of the present patent application was made, owned by Agilent Technologies, Inc.

Discussion of Rejection of claims under 35 U.S.C. § 103(a)

Examiner apparently believes Wichelman qualifies as prior art under 35 U.S.C. § 102 (e). However, 35 U.S.C. § 103 (c) indicates the following:

Subject matter developed by another person, which qualifies as prior art only under one or more of subsections (e), (f) and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

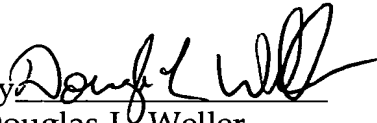
Wichelman cannot preclude patentability of claims 17—20 of the present case under 35 U.S.C. § 103(a) as Wichelman and the present patent

application were, at the time the invention of the present patent application was made, owned by Agilent Technologies, Inc.

Conclusion

Applicant believes the present application is in condition for allowance and favorable action is respectfully requested.

Respectfully submitted,
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